

IN RE: PETITION FOR ZONING VARIANCE
SW/S Falcon Ridge Dr. 450 ft.
S of c/j Winands Road
8833 Falcon Ridge Drive
2nd Election District
Daniel M. Claar
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-367-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to Petition for Zoning Variance, a variance from Section 1801.2.C.1 (V.B.3.b.,CMDF) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a distance between buildings for lots 20 and 21 and lots 21 and 22 of 19 ft. in lieu of 25 ft., and a variance from Section 504 (V.B.6.b.) to permit a window to lot line of 10 ft. in lieu of the minimum 15 ft., as more particularly indicated on Petitioner's Exhibit No. 1.

The Petitioner, Daniel M. Claar, appeared and testified. Appearing on behalf of the Petitioner was William Duvall, Registered Professional Engineer and Melissa Skeens. There were no Protestants.

Testimony indicated that the subject property, known as 8833 Falcon Ridge Drive, consists of .1577 acres +/-, zoned D.R.3.5. and is currently unimproved. Testimony indicated that the Petitioner is desirous of constructing a single family dwelling on the subject site, as indicated on Petitioner's Exhibit No. 1.

Mr. Claar testified that this is one of two of the last remaining unimproved lots in this community. Mr. Claar testified that he is currently employed with the developer who developed much of the Falcon Ridge Community and that he plans to construct the "Danville" style home which is common in this community.

Testimony indicated that absent the subject variance, the Petitioner will not be able to construct a house that is architecturally compatible with this community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

-2-

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 28th day of May, 1991 that a Petition for a Zoning Variance from Section 1801.2.C.1 (V.B.3.b.,CMDF) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a distance between buildings for lots 20 and 21 and lots 21 and 22 of 19 ft. in lieu of 25 ft. is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 504 (V.B.6.b.) to permit a window to lot line of 10 ft. in lieu of the minimum 15 ft., in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:mmn
cc: Peoples Counsel

ORDER RECEIVED FOR FILING
Date 5/28/91
By Mr. Duvall

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 17, 1991

Mr. Daniel M. Claar
104 Cedarcliff Court
Glen Burnie, Maryland 21060

RE: Petition for Zoning Variance
Case No. 91-367-A

Dear Mr. Claar:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 867-3391.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmn

cc: Peoples Counsel

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1801.2.C.1 (V.B.3.b.,CMDF) to permit a distance between buildings for lots 20, 21 and 21+22 of 19' in lieu of 25' and Section 504 (V.B.6.b.) to permit a window to lot line of 10' in lieu of the minimum 15' of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
Due to the location of the house on lots 20 and 21 and the height of each building on these lots, it would be impractical for the owner of lot 21 to meet the current requirements. Also note that even with the variance requested, the proposed house still has more clearance from building to lotline than each adjoining homes.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property, which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney for Petitioner: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney's Telephone No.: _____

Legal Owner(s): _____
(Type or Print Name)
Signature: _____
(Type or Print Name)
Signature: _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name: Daniel M. Claar
Address: 104 Cedarcliff Ct.
City and State: Glen Burnie, MD
Phone No.: 21060

ORDERED By The Zoning Commissioner of Baltimore County, this 28th day of May, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-out Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 14th day of May, 1991, at 10:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

W. DUVAL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

Zoning Description

Beginning at a point on the west side of Falcon Ridge Drive which is 50' wide at the distance of 450' south of the centerline of the nearest improved intersecting street Winands Road which is 70' wide. Being Lot #21 in the subdivision of Falcon Ridge as recorded in Baltimore County Plat Book #58, Folio #119, containing 0.1577 Ac. also known as 8833 Falcon Ridge Drive and located in the 2nd Election District.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 2nd Date of Posting: 5/28/91
Posted for: 1991-1992
Petitioner: Daniel M. Claar
Location of property: 104 Cedarcliff Ct., Glen Burnie, MD 21060
Location of Sign: 104 Cedarcliff Ct., Glen Burnie, MD 21060
Remarks: _____
Posted by: J. Robert Haines Date of return: 5/28/91
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/12/91

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/11/91.

THE JEFFERSONIAN,

S. Zebe Orlan
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein at Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 on the date below:
Case number: 91-367-A
8833 Falcon Ridge Drive
200 S of c/j Winands Road
8833 Falcon Ridge Drive
2nd Election District
2nd Councilmanic District
Petitioner: Daniel M. Claar
Hearing Date: Tuesday, May 14, 1991 at 10:30 a.m.
Variances: to permit a distance between buildings for lots 20 and 21 and 21 and 22 of 19 ft. in lieu of 25 ft. and to permit a window to lot line of 10 ft. in lieu of the minimum 15 ft.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
4/101 April 11

CERTIFICATE OF PUBLICATION

Pikesville, Md., 4/12/91
THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 14th day of May, 1991
the first publication appearing on the 10th day of April, 1991
the second publication appearing on the 11th day of April, 1991
the third publication appearing on the 12th day of April, 1991

THE NORTHWEST STAR

J. Robert Haines
Manager

Cost of Advertisement \$20-

SHOPPING SPREE
-all 15th. Call 817.
-6 dinner served eat away.
-Tours. 922-5625.

SHARD
-US-Orings Mills area.
-18 included except:
-renture. Kasher home.
-E. Island. occup. Call 365-5892.

PERSONALS
-to BEAT the
-COST of Auto &
-car's insurance
-INURTES?
-Insurance Agency, Inc.
-2-6907

RANDALLTOWN -Trained
-room. private home. Laundry/
-kitchen privileges, cable TV.
-50/week. incl. included. 655-7582.

OWINGS MILLS-Northwest
-Business Center. 1,000 sq. ft. office
-space. 1800/month. Includes util. &
-E. Island. occup. Call 365-5892.

BUSINESS SERVICE
-RESUMES-Professionally com-
-posed, edited, print, cover letters &
-disk storage. General typing
-available. 655-5707.

VACUUM
-KIRBY VACUUM CLEANER-
-Value \$1,000. New offer. Call
-211-4554.

DEN FURNITURE-High quality,
-desk, in-bookcase & drawers, etc.
-Call 653-1653.

PERSONAL SERVICE
-DO YOUR ELDERLY parents lose
-important papers? Call E.S.R. Serv-
-ices. 558-8592.

TELEPHONES REPAIRED-Mon-
-day. \$9.99. Free, reliable service.
-922-6924.

LEGAL NOTICE
BALTIMORE COUNTY GOVERNMENT
ZONING COMMISSIONER
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein at Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 on the date below:

530 East Joppa Road / Towson, Maryland 21204 / (301) 583-9571

345

mmjk-3/4/91
email anytime
at time-2 to 7 hr.

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date

887-3353

111 West Chesapeake Avenue
Towson, MD 21204

DATE: 5/14/91

RE: Daniel M. Clair
104 Cedarcliff Court
Glen Burnie, Maryland 21060

RE: Case Number: 91-367-A
SM/S Falcon Ridge Drive, 450' S of c/l Winanda Road
8833 Falcon Ridge Drive
2nd Election District - 2nd Councilmanic
Petitioner(s): Daniel M. Clair
HEARING: TUESDAY, MAY 14, 1991 at 10:30 a.m.

Dear Petitioner(s):

Please be advised that \$ 50.18 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

887-3353

91-367

Please Make Checks Payable To: Baltimore County (91-367-00-1)

Cashier Validation

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date

887-3353

111 West Chesapeake Avenue
Towson, MD 21204

DATE: 5/14/91

RE: Daniel M. Clair
104 Cedarcliff Court
Glen Burnie, Maryland 21060

RE: Case Number: 91-367-A
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Petitioner(s): Daniel M. Clair
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J. Robert Haines
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

887-3353

91-367

Please Make Checks Payable To: Baltimore County (91-367-00-1)

Cashier Validation

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 5/14/91

Daniel M. Clair
104 Cedarcliff Court
Glen Burnie, Maryland 21060

RE:

Case Number: 91-367-A
SM/S Falcon Ridge Drive, 450' S of c/l Winanda Road
8833 Falcon Ridge Drive
2nd Election District - 2nd Councilmanic
Petitioner(s): Daniel M. Clair
HEARING: TUESDAY, MAY 14, 1991 at 10:30 a.m.

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J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

March 29, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-367-A
SM/S Falcon Ridge Drive, 450' S of c/l Winanda Road
8833 Falcon Ridge Drive
2nd Election District - 2nd Councilmanic
Petitioner(s): Daniel M. Clair
HEARING: TUESDAY, MAY 14, 1991 at 10:30 a.m.

Variance to permit a distance between buildings for lots 20 and 21 and 21 and 22 of 19 ft. in lieu of 25 ft. and to permit a window to lot line of 10 ft. in lieu of the minimum 15 ft.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Daniel M. Clair

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

April 24, 1991

Mr. Daniel M. Clair
104 Cedarcliff Court
Glen Burnie, MD 21060

RE: Item No. 345, Case No. 91-367-A
Petitioner: Daniel M. Clair
Petition for Zoning Variance

Dear Mr. Clair:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
20th day of March, 1991.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Daniel M. Clair

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: April 8, 1991

FROM: Pat Keiler, Deputy Director
Office of Planning and Zoning

SUBJECT: Key Federal Savings Bank, Item No. 186
Oliver W. Riddick, Item No. 327
Marvin West, Item No. 339
Gregory P. Garrison, Item No. 341
Daniel M. Clair, Item No. 345
William H. Robbins, Item No. 349
A. Samuel Kurland, Item No. 351
Lillian A. Williams, Item No. 360

In reference to the above-mentioned Petitioners' requests, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

MULTIITE.MS/ZAC1

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: April 3, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Rahee J. Famill

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: March 19, 1991

Dear Mr. Haines:

This bureau has no comments for items number 327, 334, 335, 336, 339, 342, 343 and 345.

Rahee J. Famill
Traffic Engineer II

RJP/lvd

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

MARCH 26, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: DANIEL M. CLAAR

Location: #8833 FALCON RIDGE DRIVE

Item No.: 345 Zoning Agenda: MARCH 19, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and Approved
Planning Group
Special Inspection Division

JK/KEK

received
4/10/91

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: March 14, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for March 19, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 327, 334, 338, 336, 338, 339 and 345.

For Item 337, a County Review Group Meeting may be required for these additions.

For Item 342, a County Review Group Meeting is required for this site.

For Item 347, the previous minor subdivision comments supplied for this site will apply.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

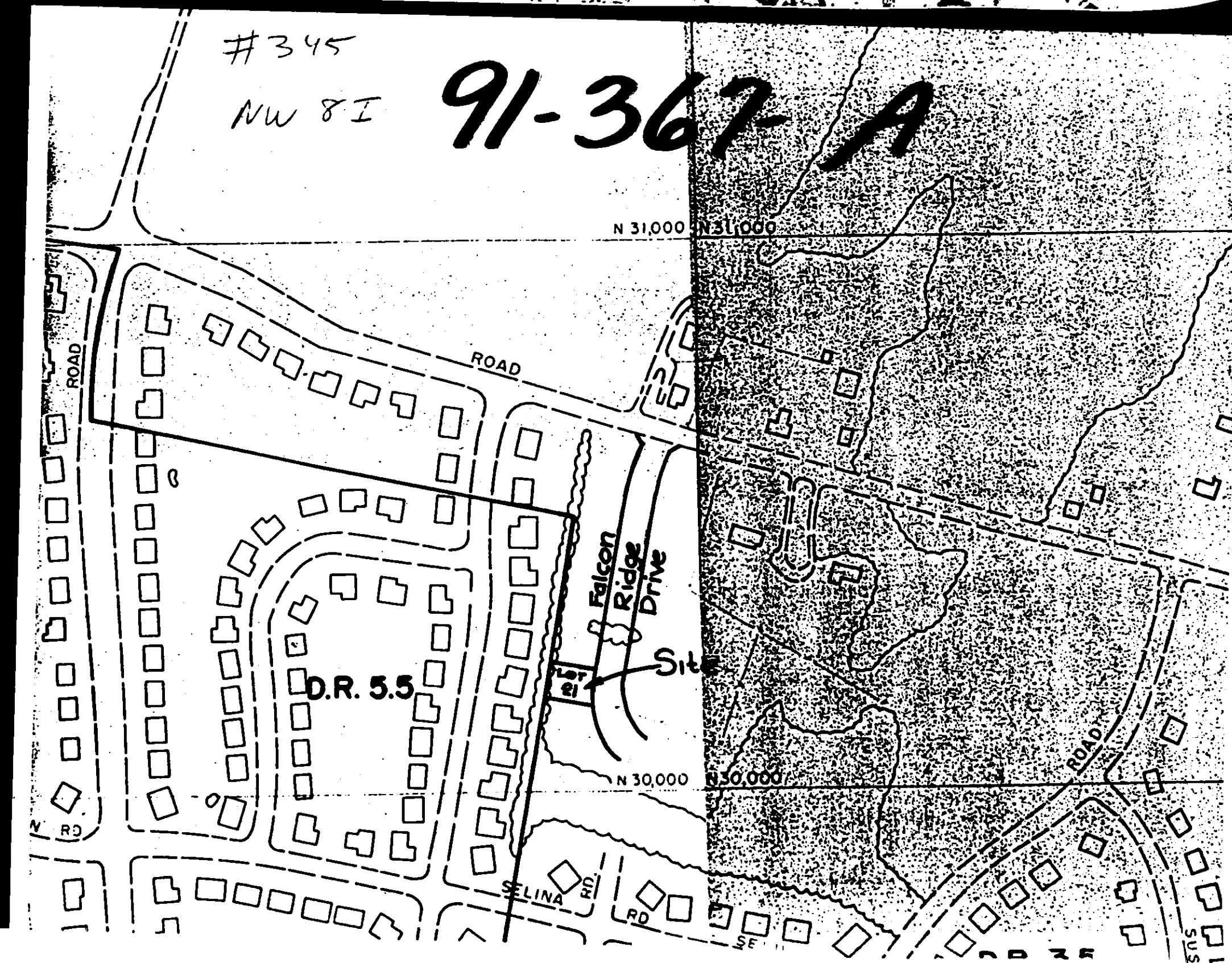
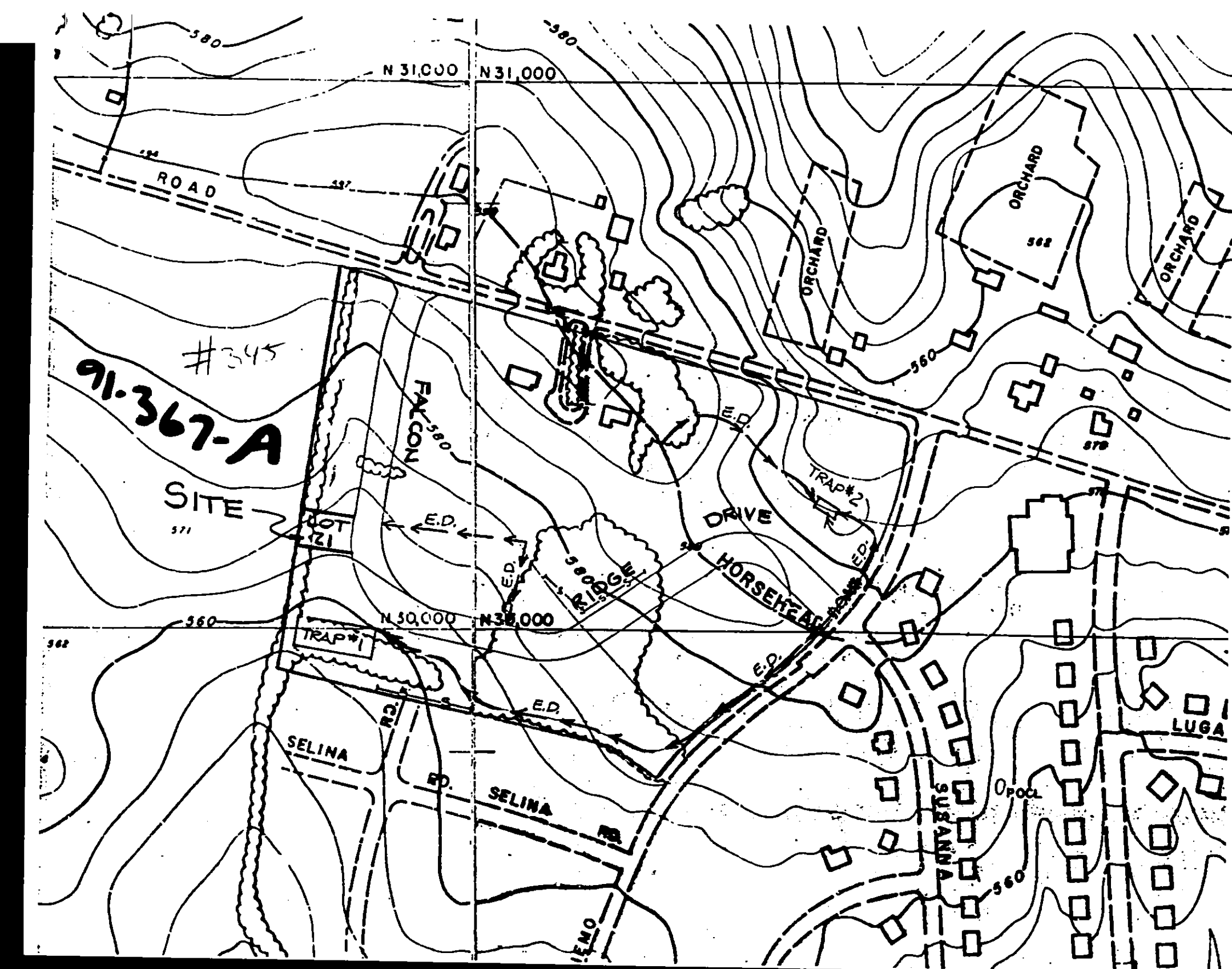
PROPERTY ADDRESS: 8033 FALCON RIDGE DR
Subdivision name: FALCON RIDGE
plat book # 50, folio 112, lot # 21, section #
OWNER: DAN CLAAR

PETITIONER'S EXHIBIT 1

North
date: 2/25/91
prepared by: WDA/B.O.R. Scale of Drawing: 1"=50'

91-367-A

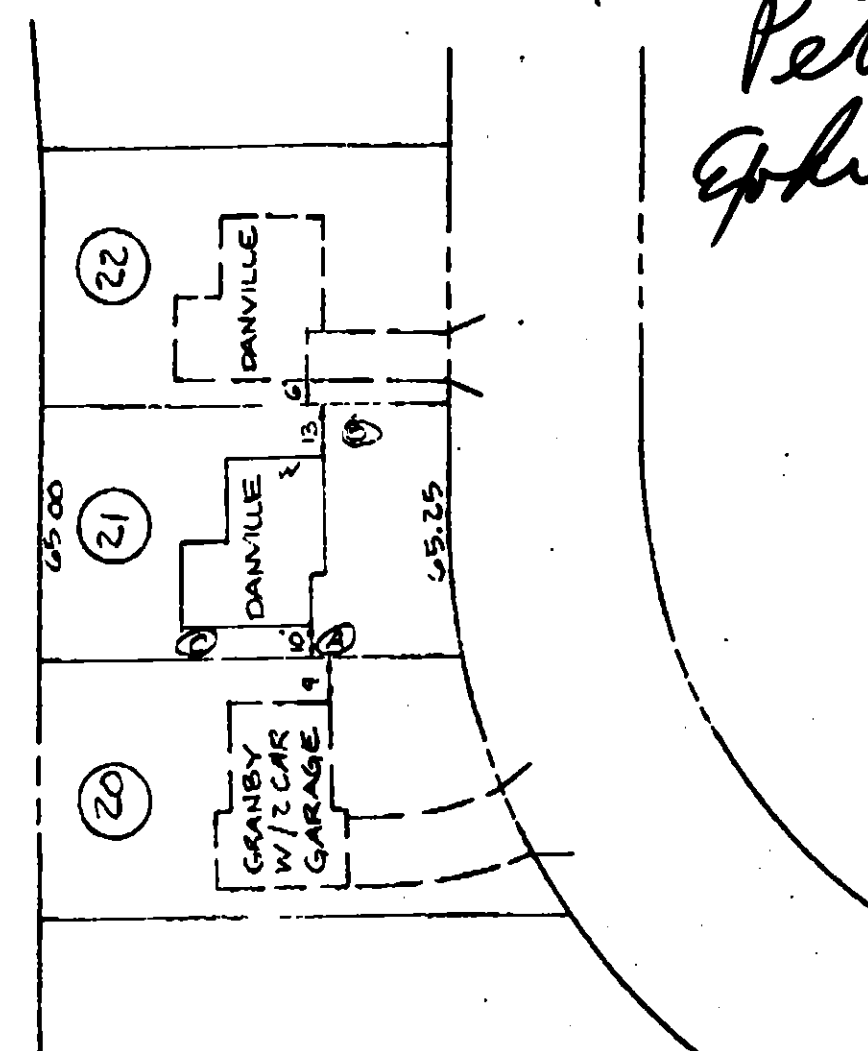
LOCATION INFORMATION
Councilmanic District: 2
Election District: 2
1"=200' scale map: NW 8I
Zoning: DR 3.5
Lot size: 1577 square feet
Sewer: ☒
Water: ☒
Chesapeake Bay Critical Area: ☐
Prior Zoning Hearings: ☐
Zoning Office USE ONLY
reviewed by: ITEM #: CASE #:
MTK 345



CENTERED BETWEEN
EXISTING HOUSES

*Petitioner's
Exhibit 2*

REQUIRES
A & B 6' VARIANCE
FOR HEIGHT
C 5' VARIANCE
FOR WINDOW
TO LOT LINE



I, *W. Duvall & Assoc. Inc.* am the legal owner of lot 21. I have reviewed the proposed plot plan for lot 21, and am in agreement with these conditions.

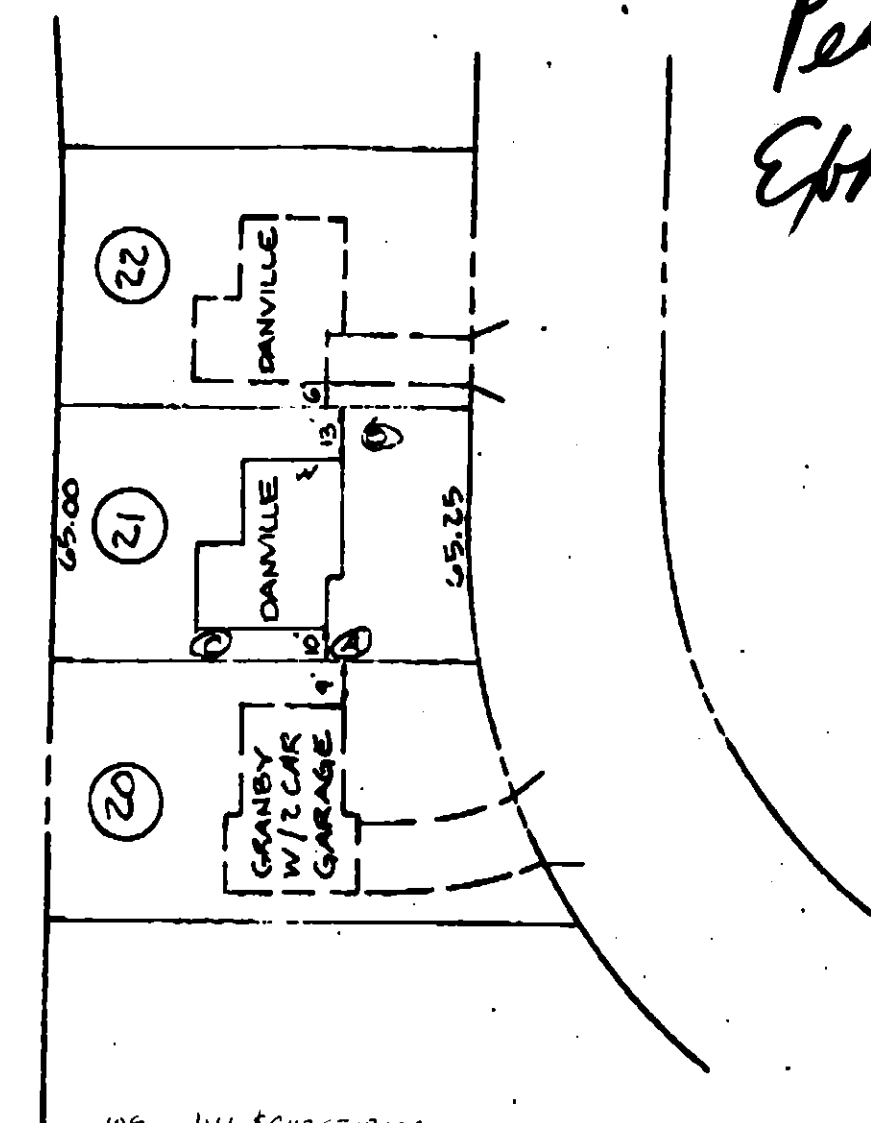
W. DUVALL & ASSOC. INC.
530 E. JOFFA RD
TOWSON MD 21204
(301) 583-4571

W. Duvall & Assoc. Inc.
FALCON RIDGE
SCALE 1"=50'

CENTERED BETWEEN
EXISTING HOUSES

*Petitioner's
Exhibit 3*

REQUIRES
A & B 6' VARIANCE
FOR HEIGHT
C 5' VARIANCE
FOR WINDOW
TO LOT LINE



I, *W. Duvall & Assoc. Inc.* am the legal owner of lot 20. I have reviewed the proposed plot plan for lot 20, and am in agreement with these conditions.

W. DUVALL & ASSOC. INC.
530 E. JOFFA RD
TOWSON MD 21204
(301) 583-4571

W. Duvall & Assoc. Inc.
FALCON RIDGE
SCALE 1"=50'